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Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

DECLARATION
Examining Group 1652
Patent Application
Docket No. G-078US04CIP
Serial No. 09/876,997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Delia M. Ramirez
Art Unit : 1652
Applicants : Jean-Baptiste Dumas Milne Edwards, Lydie Bougueleret, Severin Joubert
Serial No. : 09/876,997
Filed : June 8, 2001
Conf. No. : 2239
For : Full-length Human cDNAs Encoding Potentially Secreted Proteins
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

DECLARATION

Sir:

FRANK CHRISTOPHER EISENSCHENK, Ph.D., Applicants' representative in the above-referenced patent application, hereby declares:

THAT, the following deposited material: *Escherichia coli* clone (ATCC Accession Number DH10B), has been accepted for deposit at the American Type Culture Collection (ATCC) on January 21, 2000 under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure (*e.g.*, see 961 OG 21, 1977) and that all restrictions on the availability to the public of the materials so deposited will be irrevocably removed upon the granting of a patent disclosing the deposit.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Further declarant sayeth naught.



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78.451

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

GENSET SA
Attn: Jean-Baptiste Dumas
24 Rue Royale
F-75008
Paris, France

Deposited on Behalf of: GENSET

Identification Reference by Depositor:

Patent Deposit Designation

Escherichia coli DH10B GENSET.071PRF

PTA-1218

The deposit was accompanied by: a scientific description X a proposed taxonomic description indicated above. The deposit was received January 21, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 1, 2000. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: February 2, 2000